



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

OFFICE OF ANALYSIS, RESEARCH, AND TECHNOLOGY

Employer Notification Service State Pilot Test

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Webinar Transcript

Presenters

- Chris Flanigan, General Engineer, FMCSA Office of Analysis, Research, and Technology (ART)

Speakers (optional)

- Kirse Kelly, Web Conference Host, FMCSA ART

Description:

FMCSA requires carriers to check their drivers' commercial driver's license (CDL) status annually. Drivers must report CDL changes within 30 days and suspensions within one day. The Employer Notification System (ENS) is a software tool that closes this reporting gap by allowing employers to register their drivers and be notified when a driver's CDL status changes or is suspended. A prototype ENS was pilot tested in the States of Colorado and Minnesota from December 2006 to July 2008 for the purpose of examining feasibility issues related to national deployment. In this webinar, issues such as implementation costs, loss of State revenues, legal issues, and competing priorities examined during the ENS pilot tests will be discussed, as well as the next steps toward attaining national deployment.

PRESENTATION—EMPLOYER NOTIFICATION SERVICE SYSTEM PROGRAM**PRESENTATION TITLE SLIDE: EMPLOYER NOTIFICATION SERVICE SYSTEM PROGRAM****Katherine (Operator):**

Good afternoon everyone and thank you for standing by. At this time all participants are in a listen-only mode. After the presentation we will conduct a question and answer session. To ask a question please press *1. Today's conference call is being recorded and if you have any objections you may disconnect at this time. I'd now like to turn the call over to your host, Miss Kirse Kelly. You may begin ma'am.

Kirse Kelly, Web Conference Host, FMCSA ART:

Thank you very much Katherine. Thanks to all of you joining us today for our webinar, which is part of a series put on by the FMCSA Office of Analysis, Research and Technology. This webinar is about the FMCSA Employer Notification Service Pilot Test. Time permitting, all questions are going to be answered at the end of the call, but you can also submit questions in the **Q&A Box** that is at the lower left side of your screen and we will, once again, answer all of them at the end. Please note that you're going to be given the opportunity to receive a copy of the presentation at the end of the webinar—you'll be able to download it. I know that's one of people's favorite questions.

Members of the trade or local media participating in today's call are asked to contact our Office of Communications if you have questions. That phone number is 202-366-9999. And you can contact them at the webinar's conclusion. So I'll just repeat that, it's 202-366-9999. Let me go ahead and turn you over now to Chris Flanigan who is part of FMCSA Technology Division.

Chris Flanigan, (General Engineer, FMCSA ART):

Thanks Kirse. First of all, I would like to welcome everybody. I appreciate you attending. I look forward now to getting everybody up to speed on where we are. We are at the end of Phase II of the Employer Notification Service System Program Project.

SLIDE 2: FOCUS FOR TODAY

Our focus for today is that first I'm going to give you some background on the ENS program—the first phase, which was a cost-benefit and feasibility study, and then the second phase, which is what we are in right now, which is a State Pilot Test. Then I'm going to give you preliminary results from Phase Two; then it's on to what are the potential next steps. Those really entail national deployment scenarios and some of the issues that surround some of the ones we're going to potentially recommend. Then at the end we'll go to questions.

The first thing we are going to start out with is we have four poll questions that we'll give everybody three or four minutes to answer. Then we'll move on to the questions that you ask during the webinar and you'll have the ability to ask them at the end as well.

SLIDE 3: FMCSA PARTNERS

I would like to first recognize my contract team and partners in this program. The lead on Phase I and Phase II for the last number of years has been SAIC, and Battelle is leading a separate independent evaluation of our pilot test. Both these companies have been supported by ATRI, AAMVA, CVSA and the Upper Great Plains Transportation Institute. I also appreciate the support we've gotten from our pilot States—the Colorado Department of Revenue and the Department of Public Safety in the State of Minnesota. And last, but certainly not least, we've had great cooperation from Explore Information Services. They're a subsidiary of USIS. They were instrumental in providing us with the DHR, the driver history record data we needed to actually run the pilot test.

SLIDE 4: INCIDENT IN BOSTON, MA

This next slide is really a perfect example of why I think ENS is such a valuable tool. What happened in an incident that occurred in Boston in 2003—an overloaded tractor trailer jackknifed in the deepest part of the I-93 tunnel. For those familiar with the area, that's also referred to as the "Big Dig"—the vast transportation project conducted in that area. At any rate, the jackknife caused the tunnel to be closed for 2 1/2 hours, a pretty significant road delay and closure. After investigation, turnpike officials said the truck was traveling about 25 miles over the speed limit and that the driver was also operating without a license. The crash caused about a half million dollars in damage and the officials of the turnpike had said they hoped to recover the money from the trucking company's insurers—the trucking company that employed the driver. In this situation, it's possible the carrier may not have even been aware of this issue with the driver even if they were following every rule in the book. This is something that will show the value of an ENS tool.

SLIDE 5: BACKGROUND

A little background—this earlier phase—in Phase I, I should say—and other FMCSA research in the past has indicated that truck and bus drivers with past convictions are statistically more likely to be involved in a future crash. That's something that seems quite obvious. If a driver is operating in an unsafe manner, such as to receive some sort of a violation on the road, it seems entirely logical that that driver is more likely to be in a crash than one that doesn't—that actually follows the rules and doesn't take or make risky behavior on the road. The second point: employers are not always notified about these convictions, and therefore, they can't come in and fix the problem. This is another thing that makes total sense when you think about it—if a driver were to receive a conviction and be in danger of losing his job, it might lead him to say, "Gee, I'm just going to wait this out. I'm not going to report it right away and see how long I can keep my paycheck coming." To that end, FMCSA requires two things. First, that carriers must, at a minimum, check driver history annually. Drivers must report any CDL status changes within 30

days, and if their license is suspended, they have to report it within one day. If you think about it, if a carrier does the minimum—and some do check more often than annually—but if you have a carrier that checks just once a year and you had a driver that decided he was not going to report that conviction, then you could potentially have up to a year of time pass before the carrier ever figured out what was going on. I have heard from carriers that said this is especially a problem with drivers who may not have ever had a problem before, but maybe are having family issues or medical issues—and if the carrier can get in and address the problem right away, the problem can be fixed fairly quickly and without adding a danger to the roads.

SLIDE 6: ADDRESSING THE PROBLEM

How does one address this problem? As I said, employer notification programs are a valuable tool. Currently they're done on a State level and they're also offered by private companies. Essentially, what it does is it proactively notifies the carrier about the driving record of its drivers. It gives them a real-time update of the status essentially by having the carrier enroll his driver into the ENS system, and then whenever a change occurs in the State records, it then automatically notifies that carrier of that change. And, of course, this would streamline a carrier's ability to oversee its drivers.

SLIDE 7: STATES WITH ENS PROGRAMS

This is a map of all the States that we know of that have ENS programs now. There are 11 of them. In Phase I of the project we had extensive interviews with all these States. We wanted to learn about how the system was set up, who it was covering, some of the lessons learned while conducting these programs, some of the costs involved, and interesting stuff. Everybody has a—there is a great variance in these types of programs though.

SLIDE 8: STATES WITH ENS PROGRAMS

The difference, the variations in the States with ENS programs include, for instance, California. They've had some system in place since 1982, but since 1989 they've required every commercial vehicle operator in the State to be enrolled in their State employee pool notice program. It ranges from everybody from the pizza delivery guy on up to the heavy truck operator. In States like Illinois, Virginia, and Wisconsin, they use ENS as a tool to oversee school bus drivers, and two of them use it to oversee driving instructors. States like Michigan, Nebraska, and New York provide the service to the State by going through a third-party provider.

SLIDE 9: THIRD-PARTY PROVIDERS

As I mentioned, third-party providers, like the one we're working with now on this project, Explore Information Services, exist to actually provide this type of a service to not only carriers, but other fleets that are not heavy truck related. License Monitor does it, ChoicePoint does it, and National Information Clearinghouse does it as well. However, one of the problems is that these

services are not nationwide. They only cover regions and not the entire country, which I'll get to a little bit later about why that is an issue with carriers.

SLIDE 10: CARRIER EXEMPTION FROM ANNUAL RECORDS CHECK

With respect to third-party providers, in 2003 FMCSA issued an interpretation that said that carriers could be exempted if they're enrolled in an ENS system. Essentially, the system has to do two things: it has to provide a full DHR to start, a driver history record, and then all updates on that DHR after that. Now two of the problems with this interpretation was first it was not widely distributed. None of our folks knew about it. The second was it was not clear to everyone who read it. Some took it to mean that it meant the use of a specific third-party. In response to that or to help clear this up, ATA petitioned us to clarify that in either the interpretation or by going into the regulation and changing the wording in that. That's currently under review and we're looking at that now.

SLIDE 11: ENS PHASE I: FEASIBILITY AND COST BENEFITS

In response to this national interest in these types of systems, we began the ENS Phase I. It's a feasibility and cost benefit study. Just to clear up any confusion, in Phase I, the system or the program was not called ENS. It was called, "DVN," for the "Driver Violation Notification" System. We changed that to ENS because we decided that convictions were what we wanted to report because they actually changed the status. We saw it more as a service—where, in the end, it's possible that this notification, if it were accessed, there could be a fee charged for it. We thought it was a better name for the program. So, we switched it over. Any older documents are going to have DVN, but it is the same project. Phase I was completed in September of 2004. It certainly found that a national system would be feasible, cost beneficial and it would provide safety benefits. To expand upon what we already had known from other research, drivers with convictions in the past year are 37 percent more likely to be involved in crashes the following year than are drivers with no convictions. It's continuing to support that premise.

SLIDE 12: ENS PHASE I: SAFETY BENEFITS OPPORTUNITY

We found in Phase I that there is a safety benefits opportunity. It's based on what I had already discussed—that some drivers don't always notify their employers of convictions. We found that at a minimum 50 percent don't do it, and it could actually be as high as 80 percent that don't report this in the required period of time. Because the industry relies mainly on the pulling of the DHRs to assess status, again, this could lead to as much as a year passing by without finding out that this driver had a conviction. The other research—it shows that it raises the possibility that the driver's going to be in a crash during that time. You want to be able to get in, modify behavior or remove the driver from the road, or the carriers do, I should say.

SLIDE 13: PHASE I: ENS BENEFITS WINDOW

This graph shows what we see as the benefits window for a national system. If you look to the red bold lines, to the left of that, the shaded area shows the 30-day period after a conviction has been posted on a driver. As I said, at a minimum we found that 50 percent of drivers may not report that. If you look at the shaded triangle to the right of the bold line, that is the opportunity—we'd like to push all that shaded area back to the left of that red bold line and get that 30-day window available to all carriers to find out how their drivers' CDL status changed.

SLIDE 14: ANTICIPATED BENEFITS

Anticipated benefits: We found out that, of course, if you get drivers off the road that are problematic, that are convicted for violations of safety, that you are going to improve commercial vehicle safety—that's a no-brainer. There's also going to be improved monitoring. If carriers don't have to continually be looking for problems amongst a lot of their drivers when only a few are having problems, that's a lot different than having an immediate notice of when a problematic driver has a conviction or status change. The information exchange is also improved between the States and the carriers because some States require—sometimes it's through the mail; sometimes carriers even go in person to pick up these records. To have this system be totally automated and online—it certainly improves that situation. There's also increased efficiency and cost savings for carriers. One of the numbers that's been thrown around—it's anecdotal so don't quote me on this—but I've heard that when a carrier checks (of course they're required to check all their drivers annually), my understanding is though, that only about 20 percent of those drivers come back with any kind of CDL status change. That's not even necessarily just convictions for road violations, but it could be for insurance changes, things that just need to be addressed and they don't know about them for whatever reason. That literally means that a large number of maybe 80 percent of the drivers are having annual records purchased that weren't useful to the carrier. That of course will be a cost savings because they're only now going to be paying for DHRs for an ENS system—they would only now be paying for DHRs for the problematic drivers.

SLIDE 15: ENS PHASE II: STATE PILOT TEST

Based on the results of Phase I, we've moved on to Phase II, which is the State Pilot Test, which is what we're in right now. The first step of the process was for us to develop a prototype. As I mentioned, we had numerous discussions with the States and learned about how the systems they were using were set up. The next step was to go out and to recruit States to actually participate in the pilot. This took a little longer than anticipated, but we ended up conducting the test in Colorado and in Minnesota. It was an 18-month pilot test. It went from December 2006 to June 2008.

SLIDE 16: ENS PROTOTYPE SYSTEM OVERVIEW

This next graph is a flowchart. I want to apologize—the graphics on this, somehow between my PowerPoint program and the system that it's being shown on now, it kind of got a little jumbled,

but it is correct in the PDF and clear. I am pretty sure it's still legible enough to read. I'll walk you through this now to make it clear, if it's not already. If you start down by the user, the motor carrier, to the bottom right, essentially, the way our prototype system works is that the motor carrier who's in the pilot enrolls their drivers in the Employer Notification Service. Then the service then provides this list of drivers to Explore Information Services. Explore, when they receive the data from the State on the drivers, then takes that information out based on the drivers that were provided them and then sends an MVR back with a CDL status to the ENS system. Explore was doing it for us on a weekly basis. Typically, they did it on a monthly basis, but we had asked for purposes of the pilot, to check the status of the list of the ENS pilot drivers once a week. At any rate, once the ENS prototype gets that information, it is then sent back—an e-mail is sent, a secure e-mail is sent—to the motor carrier. What this e-mail says is—there is no driver history information on it—what it says is you have a driver that was enrolled in the pilot that has a change in CDL status. If you choose, **Click This Link** and it will take you to the Website that actually will give you the driver history record. Once they do that, once they download the copy, once they go on to that site—the record in the ENS system disappears. This is just a pointer system; it doesn't retain any of the DHR records, so as soon as the carrier downloads it, it disappears from the system. The system does warn the carrier that they should print out a copy for their own records because of that reason. Now, again, because it is a pointer system and we don't want to retain these records, we had to set it up so that if the carrier for some reason does not choose to download that, to get that information, the way it works is that the notice is sent and then after two days the system is not accessed, send another e-mail notification, the same one, a second notice. Then two more days go by and if there's no change, or no request for that record, then there's another notice sent, and if after seven days if the system is not accessed for that DHR, then the record is deleted.

SLIDE 17: ENS COLORADO OPERATIONS

Some of the preliminary results for our ENS system in Colorado—during the test in Colorado, we had a total of 425 drivers enrolled. It's important to point out that that was not 425 from the beginning. It was lower at the beginning and we recruited drivers throughout. There were also ones that dropped out and replaced. It's not 425 over the entire project, but 425 total drivers that were enrolled; 155 notices were generated during those 18 months.

SLIDE 18: ENS MINNESOTA OPERATIONS

The same with the Minnesota operation, we increasingly added drivers throughout the project. There were 674 total enrolled and it ended up being 74 notifications generated in Minnesota.

SLIDE 19: STATE PILOT TEST PRELIMINARY RESULTS

The total results for the State Pilot Test—the preliminary results I'll say—we had almost 1,100; it was 1099 drivers that were enrolled over eight carriers, eight different carriers, and we had a total of 225 notifications delivered. This is approximately 20 percent of the drivers having notifications sent. Now, as we knew before this, or we had heard before this, that only—as I mentioned—that only 20 percent of the drivers have some sort of a change, and that 80 percent

typically don't. This is not necessarily indicative, not proof of that yet. We're going to do further analysis of these numbers. The driver, like I said, the driver numbers were dynamic. There were lower numbers at one point and drivers could have gotten multiple violations, so I'm not saying this supports the 20 percent number that I had heard or we had heard, but it does show one thing for sure, is that there's a significant number of driver history records that are purchased where there is absolutely no status change in the course of—well, this is a year-and-a-half.

SLIDE 20: STATE PILOT TEST PRELIMINARY RESULTS

Other preliminary results: participating carriers certainly recognize that there are safety benefits, and they are actively using the pilot system. They are also enrolling more and more in the third party systems that I had mentioned. Over the time that I have been working on this project, I have received crash reports from carriers saying, "Here's a crash of one of our drivers that we had kept up-to-date on, but his conviction just happened to fall in between the time when we were checking and he chose not to report the conviction." They basically say, "Hey, if only we had had an ENS National System, we could have prevented this from happening." They're very interested in having a system like this be applied nationally. States are also supportive of ENS. I've mentioned that 11 have some form of it already in their own States. I understand that while many others might like to have it, the resources to develop their own program don't always exist. The participants themselves—the carriers involved in the actual tests—have also expressed a need for some additional capabilities. These all stem from things like different programs or formats to save the information in for their records and perhaps the ability to run a driver history records check as an initial employment, as a means to determine whether a driver should be hired. These things certainly could eventually be incorporated in a system, but when I wrote the initial statement of work for performing this phase, one of things I really wanted to do was to make sure it was kept simple and pure. Just an ENS system that did—you enroll the drivers, you get the notice and you send the notice back out if there's any problem. We need to show the value of just that before I think we should add any additional capabilities on. We expect the final report in spring of 2009, early spring 2009, and that's going to really go into detail about the carriers and their desire to have any additional features, and what we recommend.

SLIDE 21: ENS PHASE II: STATE PILOT TEST INDEPENDENT EVALUATION

As I mentioned, Battelle is conducting an independent evaluation on the State Pilot Test. Components of this evaluation are:

First, a system performance assessment, and the questions that are going to be addressed are things like: How much system down time is there? How many times did the system go out? How many failed notifications were there? How many driver enrollment rejections are there? How quickly was the conviction notice sent to the carrier? And then how often did the carriers retrieve the DHR changes within the seven day availability window in the pilot?

The second component is a system-impacts analysis. Things to look at there are—the questions we have are: Are drivers with previous driving-related convictions more likely to have a crash? We certainly supported that with Phase I, but it bears repeating that exercise in Phase II to make sure we're on the right track. Does the ENS concept accelerate the notification of driver

convictions relative to how they're being conducted right now? Do motor carriers take actions in response to conviction notification? What are they doing when they get this notice? Are they modifying the behavior? Are they terminating the driver? What kinds of actions are they taking? Do motor carriers' actions result in improved safety? That's a big question, but if you can show that the drivers are—those who maybe might have received a notification and then not got another one as opposed to the drivers that have multiple ones. Is it improving safety? Very generally, what are the societal benefits of ENS? Does it go beyond? It obviously, our hypothesis is that it improves commercial motor vehicle safety in general, but how specifically does it do that? For the industry, do the financial benefits of using an ENS system outweigh the costs?

The third component is the user acceptance deployment issues. This is centering on things like: Do participating carriers feel that it's a significant improvement of what they are already doing? We want to know how and we want to know why. Was it easy to use? Was it effective—the delivery of the notification? Was the privacy of that data respected?

Finally, how do carriers think that ENS concept could be improved? I've mentioned that carriers do have some things they'd like to change and elements they'd like to add.

SLIDE 22: ENS PHASE II: STATE PILOT TEST INDEPENDENT EVALUATION

To address these questions, the data that Battelle is going to use in the independent evaluation will be based on a number of things. The first is we have two ENS system data sources. Of course we have the data from the pilot test, but we also have gotten from a number of carriers additional notification data from a very similar system. The main difference between these two is that the first system, as I mentioned, we did weekly checks on the driver records and the second, the similar system, did it monthly. We think it's still valuable information to include in the evaluation and it's nice to have—it's going to add literally thousands of drivers to the data. We're also going to conduct interviews with the participating carriers and I'll expand on that in a second—what that incorporated. We're going to use data from other related research. We have information from of course, our own Phase I, but there's other research out there. Battelle's done research. ATRI's done research on crash costs and we're going to incorporate that into our analysis. We're going to do interviews with the SAIC deployment team. Battelle's going to interview them—ask them about the development process, lessons learned—and determine what things can be learned from the process of creating the prototype and then implementing it or deploying it in two states. Finally, we are going to do a Delphi analysis to determine the efficacy of a national system and I will expand upon that in a second.

SLIDE 23: ENS PHASE 2: STATE PILOT TEST INDEPENDENT EVALUATION

Carrier interviews—we're going to ask a number of questions of the carriers to get as much information as possible about their experience in the pilot test. The first element will be a company and background information. That's things like the type and the size of the carrier's operation, their experience with the ENS and other ENS-type systems—when they started using it and what they know about it, essentially. We'll ask about the traditional DHR pull-method. What was their experience with that method? What were the problems they had with it? How might it be improved with the ENS system? We're going to ask about administrative costs. What

type of staff hours and money is required for ENS? How does it compare to the traditional methods of pulling a DHR? We're going to ask about the benefits. In comparison with the traditional method of pulling the DHRs, what ways does it differ and how can ENS be improved to make it even better? Then responses to notifications—these are the steps the carrier took after they received the notification of the conviction. What was the relationship between the conviction type and their response? How did they work with the driver to change it? Did they terminate the driver? Did they modify the behavior? Finally, additional comments will be sought. We want to give the carriers a full opportunity to give us every bit of information they possibly can. We would like to learn as much about their experience in this pilot and also about their general experience with overseeing their drivers and some of the methods they have used in the past.

SLIDE 24: ENS PHASE II: STATE PILOT TEST INDEPENDENT EVALUATION

I mentioned that we'll be conducting a Delphi Analysis as well. This is for the national deployment estimation of benefits. Essentially, what a Delphi Analysis is, is that it distills the judgment of a group of experts while eliminating social interaction that may inhibit the process. In other words, if you get a number of experts in a room and they give you their opinions, sometimes the way people interact together is different than they would react if they were separated. In this case, what we are going to do, we're going to get together—we actually have a number of carriers interested. I'm not quite sure, but I think it's dozens who have asked to be involved. Essentially what happens is we are going to use it to assess the system impact nationally. What we'll do is, based on the results of our pilot test, we are going to determine what we think initially the efficacy of the project is, and then present that to the carrier—the experts, the carriers. Each one of them will then provide comments based on their own experience, their own company's experience with crashes, and does it really ring true—what we have come up with—with what they know already. We would come back, take that information that they've given us for comment, and revise our efficacy data based on those comments. One time again—it's really a iterative process—we will present that again to carriers and then take the final comments that they have given on that revised efficacy data, and then finalize that data based on the final comments.

SLIDE 25: DEPLOYMENT APPROACH

The deployment approach—a successful national system were to be deployed should include these elements. Basically, integration with existing State systems—that's where the data comes from, and the system would have to be integrated with those systems. Secondly, it has to be secure. The data—its privacy is paramount. The data is sensitive and any exchange of that data should be carefully protected. We also think it needs to be web-based. I mean, paper-based just would not provide the same type of efficiency that a web-based application would provide. Finally, there should be a minimum impact on existing systems and procedures. As I mentioned, the States and the third parties as well, both provide data beyond motor carriers; beyond heavy trucks. We wouldn't want to come in and adversely impact what they're already doing well by making a carrier-based ENS system that would impact that.

SLIDE 26: POTENTIAL DEPLOYMENT SCENARIOS

These are very general, but these are what we're looking at for the possible recommendation in the final report for the deployment scenarios. The first is a Federally-administered system. It would either be required or optional, but it would be a national program that would be run by the Department of Transportation, presumably. The second is a third party approach and that's a market-based system. It could be required and it might be optional, but it would allow carriers to enroll with existing third party systems in the country. Currently, SAIC is conducting working group discussions with the States to discuss issues pertaining to these scenarios, and, of course, those would be incorporated in the final report.

SLIDE 27: FEDERALLY-ADMINISTERED

For the Federally-administered system, basically, what it would be is some form of the prototype system that we have created in the pilot and it would be a hub. All the States would connect to that hub. Eventually, once all of the States were connected, we'd have a national system. You would have to decide whether a carrier should be required to enroll all their drivers. That opens up another requirement, if we were to do that. If we were to require that, we'd have to first begin a rulemaking process, and then address some issues with blanket requirements. Who would have to be and if everyone had to be enrolled in this system and what perhaps would happen with owned and operated businesses? Is it really feasible or is it cost effective for a very, very small carrier to be required to be enrolled? That remains to be seen. Of course we'd have to address privacy. If the State—if the Federal government had a list of all the drivers that were enrolled, that might be construed as a system of record, and the data privacy act would have to be addressed. Then of course enforcement—how would we ensure all the carriers were enrolled? How we would we make sure that happened? Regardless, I believe that Federal grant money would be necessary for this type of a transition, due to the fact that the States would need to connect to an ENS hub and perhaps might not be compatible.

SLIDE 28: FEDERALLY-ADMINISTERED

Because of that compatibility issue, there would be a phase-in process that would be necessary if we had a Federally-administered program. Approximately—I believe it is 10, maybe 11 states right now are currently compatible with our prototype. Some level of modification would be required for the remaining States' systems. That would seem to be the area where we'd have to come in to help make that happen.

Driver history record uniformity would also have to be addressed. Even in the two states we are conducting the pilot in, the types of convictions that are reported are not exactly the same. We would have to look at all the DHRs and how maybe they might need to be tweaked to get everybody on the same page, per se, and make sure that everything was uniform in that respect.

SLIDE 29: FEDERALLY-ADMINISTERED

Finally, for a Federal system, there would have to be an infrastructure created. The prototype would have to be modified for national connectivity, of course taking into account what we learned in Phase II and Phase I—what elements does this system have to include? Then administrative needs must be defined as well. Who is going to run it? Where is it going to be run? What type of staff would be required to run it? This is probably a very literal guess, but I think this phase-in process would take at least five years. Getting all the States on board and doing a rulemaking to require it could take a substantial amount of time. An issue to consider is that since carriers are enrolling currently in third party systems and that's going to only grow in the coming years, a question that needs to be answered is, if a Federal system were finally deployed, what do you tell the system, the people, the carriers who are already working in and already enrolled in an existing system? Do they just drop that even if it's working well and move to the national system? If it's required that's what they'd have to do, but I think that's certainly a question that would have to be answered if it got to that point.

SLIDE 30: THIRD PARTY APPROACH

The Third Party Approach: this approach—entities already exist that offer this service, first of all. There's already a large number of States that actually have coverage. However, as I mentioned, there's not national coverage right now. There are a number of States that do not allow access to third parties, to their information, to their driver history records. To have a third party approach work on a national basis, we would actually have to get—figure out a way to get—those States to end up allowing connectivity to the third parties. The FMCSA role here could be to provide funding for these States to interface with these third parties.

SLIDE 31: THIRD PARTY APPROACH

The obstacles that we've learned that third parties face for national coverage—first off, it's State revenue. There's a revenue stream that comes from DHRs and the carriers' purchasing of those DHRs. Like I said, SAIC and the team is now working with the States, having discussions with the States to determine what level of an issue this revenue stream is and would it be adversely impacted if a national system or a third party system were instituted.

The second is legislative changes—currently there are things that would need to be changed in a number of States from a legislative standpoint to even allow third parties access to their driver history records.

Finally, IT compatibility/modernization—for third parties to access State data, they need to be able to integrate their systems with the States' systems. There would be some level modernization or compatibility issues that would have to be addressed for this to happen. Once again, I think that might be an issue for FMCSA to provide support for in that transition.

SLIDE 32: THIRD PARTY APPROACH

If a third party approach were instituted, FMCSA would need to establish some minimum requirements for any system that was acceptable. What convictions are reported? As I mentioned, DHRs are not uniform across the country, and perhaps there are some things that may have to be added somewhere to make things even across the nation.

What is the reporting frequency? For our test, it was once a week that we checked the records and carriers really seemed to like that. A lot of systems now do it on a monthly basis. So we'd have to determine what the minimum reporting frequency would be. And, of course, is it mandatory? Would we require all carriers to be enrolled? Then you come into the same issues that you would with a mandatory national—Federally-administered system.

Finally, the interpretation that I spoke about earlier that exempts carriers from the annual check should be clarified if this third party approach were ever instituted and perhaps—as I said, we're examining the regulation itself—perhaps it could be addressed there, but that again remains to be seen how that will be handled.

SLIDE 33: THIRD PARTY APPROACH

The third party approach—I think it's the quickest route to give large carriers this valuable tool. If it were ever instituted and it were not required, and perhaps down the road if it shows that it really is having a great impact on safety, or increasing safety, then at that point perhaps we assess whether total carrier requirements or coverage of all carriers should be incorporated.

SLIDE 34: PHASE 2: STATE PILOT TEST

To end it up here, I really, I want to thank the carriers who participated in the pilot. They have been invaluable to the process. They've been open with us about what they want. They've been very, very helpful in giving the team what they need from an information standpoint and in volunteering their drivers to be participating in this. I can't thank them enough. I really appreciate their work. I'm glad to work with them—proud to work with them. We look forward to talking to them in the future about how we're going to finish this second phase up.

SLIDE 35: QUESTIONS?

As I mentioned we have just a few poll questions. I think there are three; there are four of them I think. I'm going to give you a few minutes to answer them. After that we'll open it up for any questions that you have. I appreciate your attention.

[49:25]

QUESTIONS AND ANSWERS

Kirse Kelly: This is Kirse Kelly; we'll just give you a few more minutes for people to do the poll.

Kirse Kelly: We're going to go ahead and start the question and answer period. If you would like to ask a question, you can submit questions, once again, in the **Q&A Box** which is on the left side of your screen or, if you want to ask questions over the phone, you just press *1 and you state your name to the recorded message. When your line is opened, our phone operator, Katherine, will announce you by name. Please state your name clearly for proper pronunciation. The questions will be answered in the order they're received. Also, once again, please note, you will be given the opportunity to download a copy of this presentation at the end of the webinar. I know that's everybody's favorite question.

Members of trade or local media participating in today's call—if you have any specific questions, you can contact our office of communications 202-366-9999. Let's go ahead and start with questions.

Chris Flanigan: I wanted to clarify; there was a question as to what New York had provided. I had mentioned that they provided a service to carriers through third party and there was a comment that New York does provide this service directly to carriers. I apologize for getting that a little bit wrong—just wanted to clarify.

Thomas Bray: *What percentage of the notifications sent to carriers involve convictions for moving violations versus minor license changes, such as an address?*

Chris Flanigan: The notifications sent to carriers were all about moving violations, for the most part. They had to do—there were a couple of ones that were like—there was one about riding a horse while under the influence. There were a couple of ones that were a bit—obviously, that's still transportation-related, but—it's nothing minor, but down the road I think that the system probably should incorporate all CDL status changes. I think that one of the things that drivers—I should have mentioned this in the presentation—one of the things that drivers had said that they liked so much about the system is that when they make an honest mistake, perhaps with changing insurance or changing an endorsement in a state, that the paperwork somehow got messed up, they can immediately find out from their carrier, instead of letting it linger and having a real problem down the road. One of the things we found out was that drivers really like this as well for that very reason. Down the road it should probably incorporate something like that for all violations. But for the purposes of the pilot we just included the moving violations.

Greg Sensiba: *Are Colorado and Minnesota still using ENS now that the pilot is over?*

Chris Flanigan: For the purposes of the pilot we really weren't accessing a State system as much as we were accessing the system through Explore. They do still provide access to—they have a contract with Explore. As far as them using it within their own fleets, I'm pretty sure that they do, but I'm not positive about that at this point.

Dan Murray

ATRI: *More than 115 carriers provided data on typical responses to different types of MVR specifics.*

Chris Flanigan: Dan is a member of the team—certainly a good thing to point out, a good response.

Valerie Barnes: *Is the CDLIS Modernization effort addressing improved uniformity of States' data?*

Chris Flanigan: I believe it is. I'm not an expert on that project, but I believe that it is. That's something that—we have a lot of driver-related programs going on right now, and a lot of them touch on each other. That's certainly an area that we need to make sure that down the road we end up requiring some type of a system nationally that, that is addressed. If they're addressing it, then that's all the better.

Kirse Kelly: Katherine do we have any questions on the phone right now? Katherine? Our Operator?

Katherine: One moment please. The first question is from Michael McConnelly. Your line is open.

Michael

McConnelly: *Once a conviction is on a driver's record, what turnaround time do you perceive to the State—I think you may have addressed that, but more importantly to me, is what do you perceive the turnaround time from the State back to the motor carrier?*

Chris Flanigan: From what I understand, it varies. When you say "on the record" that could mean a couple of things. I understand that some States—when he's actually in the courtroom and the gavel comes down, and it's the conviction, some States it takes as much as 30 days before that is actually entered into the record, and therefore there might be a little bit of a lag time. Other States enter it right into the system that second so that would increase that. My understanding is that there is an effort now with MCSIA to make these records-keeping issues clear up a little bit and get them recorded a little bit faster—another element of the efficiency that we're going to have to consider in the final report.

Katherine: The next question is from Anita Orsino; your line is open.

Anita Orsino: *First, I'd like to thank whoever pointed out the incorrect information about New York, because that is one of the things I was going to do. Second, I was wondering if this is limited to CDL holders only or were you considering non-CDL holders who are required—who drive vehicles 10,000 pounds and over? And third, we've lost the use of this room with technology—there's another meeting scheduled—so we are going to have to cut out.*

Chris Flanigan: Right now we're only considering CDL drivers. That doesn't mean down the road—as I mentioned, we have to in the future assess the value of a national system of CDL holders and perhaps that's an area it could be expanded to. The 10,000-26,000 pounds could be incorporated into a successful ENS national program. There are a number of other questions that have to be answered first. How does one implement this? What type of a national deployment scenario would be best to get at least up and running for CDL holders?

I'm sorry you have to leave.

Anita Orsino: *Just one other quick question. Is the plan for the States to be compensated for the data that they provide to the contractor?*

Chris Flanigan: That is the \$64,000 question because, right now, as I mentioned, carriers are checking all their drivers and only a small percentage of those drivers are coming back with some sort of a change. My understanding is that a revenue-neutral system might be acceptable to the carriers—meaning that they could pay more for a record to account for that loss in the records that they're not getting for the 80 percent. I think there have to be some give and take. I understand there are a number of States who have said that if they were not to have to provide DHRs to 100 percent of their carriers that they might save a considerable amount in administrative costs. Perhaps there's somewhere in the middle. As I mentioned, we're having—we've been in discussions throughout with the States, but we're having specific discussions now about just that issue. What is the downside? What are the inverse or the potential inverse impacts on State revenue streams.

Anita Orsino: *Thank you.*

Chris Flanigan: My pleasure.

Katherine: I have no further questions from the phone.

Kirse Kelly: Thanks a lot, Katherine.

Tom Weakley: *Knowing that at least 50 percent of all fleets are one-truck operations, what is the benefit for the one-truck operation?*

Chris Flanigan: As I mentioned, there may not be one. That's one of the things that I think lends itself to an optional system to start. If there were to be a national

requirement for the system, I don't know how much value it is to have—if I'm a carrier and I employ my brother as a driver, am I gaining anything by having my brother being checked up on by an ENS system? Maybe it doesn't matter. Maybe you enroll in it and you never have to even access the records. It's possible that that may be a wash. I've heard both sides of it. It may be overly stringent or it might just not matter. That is something we'll certainly address in the final report.

Bob Sardo: *I'm not sure if it's obvious what services the third parties provide, so can you give some examples please?*

Chris Flanigan: The third parties provide exactly what we're doing in the pilot. They do have—these companies provide a lot of different services to smaller fleets with the same type of driver monitoring. They go beyond that, too. My focus has really been on their employer notification system-type services. Really, what they do is a carrier decides that he or a fleet manager decides that he wants to oversee his drivers and is not content with doing annual or biannual or even quarterly checks on those drivers, and thinks it's more efficient to pay for a service that gives them an automatic update.

Debra Hill: *Will both on-duty and off-duty driving citations or convictions be added through the DHR?*

Chris Flanigan: Absolutely. Off-duty driving affects the status of the CDL. It's not citations. It's just convictions.

Steve Powers: *What's the definition of a large carrier?*

Chris Flanigan: I don't think there's necessarily a definition as much as it is—my understanding is that around 80-85 percent of the drivers are employed by about 15-20 percent of the carriers. I might be a little off on those numbers but there are a number of carriers that have tens of thousands of drivers that they need to oversee. It's a significant savings for them if they were to—and a huge streamlining of their operation—if they were to not have to check all those records on an annual—or if they go beyond what their requirements are. If they do it quarterly or biannually, it's a significant burden on their administrative side. I don't know if there's necessarily a definition, but that's the way I think of it. There are a number of very large carriers in this country that employ quite a few drivers.

Rafael Marshall: *Once the medical is merged with the CDL, do you foresee ENS notifying employers of expired medical certificates? Would this be considered a CDL status change?*

Chris Flanigan: I absolutely do. I don't know that it necessarily would. I can't promise anything, but it seems completely logical to me. My feeling has been that beyond moving violations, there are a number of other CDL—things that can change a CDL status. Like you say, that's like the medical “cert,” and there

are also things like failure to pay child support. It's hard to justify putting that into a system from a safety standpoint—I mean, how do you judge safety based on that? I think that it would be helpful to everyone to have all CDL status changes be included in a system. Then again, that remains to be seen. We're going to consider all of that in the final report.

Richard Lair: *If this system works would the carrier be required to run a driver record annually?*

Chris Flanigan: No, they would not. That's the goal of this. I think that if you were to require that, it certainly would be beneficial, but the carrier would be still stuck conducting a lot of meaningless records pulls. Hopefully, down the road we can make that a little more clear in our interpretation. We'll make it clear that having a third party provide that type of information—as long as you get the DHR up front that gives you the full story, and then afterwards, get updates for that report, I don't see any reason why you would need to get a full DHR every single time you have to go in and do a check.

Kirse Kelly: Katherine, are there any questions on the phone?

Katherine: Yes. The next question is from Greg Sensiba; your line is open.

Greg Sensiba: *I'm just curious, with the Federal model, does that make the assumption that FMCSA will continue to fund the ENS or will at some point make it self-sustaining like virtually every other FMCSA project?*

Chris Flanigan: The hope is that it would be self-sustaining. I think that would be the ultimate goal, but I really don't know that answer to that question. I think that's always been the goal—that it would be self-sustaining. A revenue neutral-type thing with the States. I'm not sure about the answer to that, but that's the goal.

Greg Sensiba: *But then how would you pay for operations and maintenance of your system and the programming efforts that might have to go into it? That's really the question I guess. Is there going to be some kind of fee-based? Transaction-based? Does anybody know?*

Chris Flanigan: That is not known as this point, but there's a lot of different ways you could tweak things to make it work. I think you're right. There might have to be a fee for it. I'm not positive how that would end up coming out.

Katherine: And I have no further questions from the phone.

Kirse Kelly: Okay, thank you.

Kevin Krabill: *How does this affect non-CDL drivers?*

Chris Flanigan: As I mentioned, we may down the road look into drivers that are not CDL carriers to be involved in this type of a program, but as of now it wouldn't affect them. That's not to say it won't in the future.

Kevin Krabill: *If ENS is implemented, why would the annual DHR be further needed?*

Chris Flanigan: It would not be. That's one of the goals of the program, is to eliminate that need to get an annual DHR.

William Brandt: *Are violations reported only after conviction?*

Chris Flanigan: I'm not sure I understand that question, but I'll answer it this way. We don't consider violations. A violation is something that is handed from an enforcement official to the driver. Then that driver can go to court and get adjudicated and the final conviction is decided by a judge. Once that's there, that's what becomes official. The violation really has no affect on this other than if it leads to a conviction.

Kirse Kelly: William, if you're still on the phone, if you want to clarify you can press *1 and Katherine will let you through.

Kristina Morales: *Is the potential future of ENS to create a database that we in essence be able to provide the previous employment requests along with any positive DNA history?*

Chris Flanigan: I won't say that it's not the potential future—anything is possible. As I said, one of the things I wanted to do when I set up the second phase of this project was I wanted to make sure it was just purely ENS—a pointer system that carriers enroll their drivers in and then are updated on the changes in CDL status. Carriers have been asking, saying that they might like to have some extra features. It's certainly something to be considered, but when you do that it, you start to intersect with some of the other driver research that's going on and some of the other programs that are being considered. At this point, I would say “No,” but in the future it could merge with another program. It could have that added to it. It might be, like I said, be a third party-based system and then it's up to the third party whether they want to provide that service.

Cheryl Hosier: *Can you go over the flow chart again?*

Kirse Kelly: One moment and we'll bring that up for you. One moment—the software is taking its time.

Chris Flanigan: If you start from the lower right at motor carrier, and again I apologize, it's a little unclear, but I think you can still see it. The lower right says “Motor carrier.” For the purposes of the pilot, the way we worked it was we of course recruited the carriers to be involved, but once the system was intact we had the motor carrier enroll their drivers in the ENS system, which is in the center

there. That list of drivers was provided to Explore Information Services. Once a week Explore would go to the state DMV, whether it be in Colorado or Minnesota, and get the full list of the people that they provide service to for this type of an ENS program. From that list, they would call out the drivers that were actually participating in the pilot. Now, any convictions or changes in status that were found for those lists of drivers that were participating, an MVR with the CDL status was sent to the prototype ENS system. Once that was received there, a notification—an e-mail notification—was sent to the motor carrier. It was a secure e-mail that had a link that said, “We have a DHR, a change in status, for one of your drivers that’s enrolled in the program, and if you would like to see that DHR, click on this link.” They clicked on the link; then they would be taken to the ENS website and be given a DHR, a record of the driver and what the conviction was for, and then be prompted to print out that record or save that screen for their own records, because it would be deleted after they accessed it. On the other hand, if they chose not access it, they would get a total of three notices over seven days and if the report was not accessed during that time, the record would be deleted from the system. Of course, for purposes of the pilot, we kept a record of the systems that were never accessed, if there were any. And that was the end of it. I hope that was clear.

Teresa

Mashburn:

Which states do not allow third parties to view DHRs? Is South Carolina one of those states?

Chris Flanigan:

I don’t have a full list of states that don’t, and I’d rather not—we’re in conversations with States, some that do, and some that don’t. I can’t remember if South Carolina was on that list, but at this point, I think, we need to have further discussions with those States to understand what the issues that are there. I wouldn’t want to just phrase it or frame it as these States don’t allow it. Perhaps there are some issues there that are simply addressed. Maybe it’s—maybe they would allow it, but their interface needs to be updated. I don’t know the details enough to really start pointing to States and saying that they do or do not allow it. I apologize for that, but I would hope that in the final report we would have a really good outline of the coverage of the country and what the issues are with respect to each of those States.

John Pokorski:

Are there fees for the carriers to participate? Who would they be paid to?

Chris Flanigan:

There are no fees for the carriers to participate right now in the pilot. I assume that’s what you meant.

John Pokorski:

Is there an application process for company enrollment?

Chris Flanigan:

Yes. What we did is we had an agreement with each carrier. It was essentially a memorandum of agreement, or a way to establish the fact that they were participating in the system and how it would work. I guess that’s what you’d call an application process. We specifically recruited carriers and sought their

participation and worked out with each one of them the details of how we would have their drivers enrolled. They also made their drivers aware of their participation as well.

John Pokorski: *Who would be responsible in the event of a breach of data?*

Chris Flanigan: That's a good question. I think it depends on where the data was breached. That's a little bit broad for me to answer. Not being a lawyer; I think I'm going to plead the fifth on that one.

John Pokorski: *Will the DHR data be incorporated with DUI or Medical Exam data?*

Chris Flanigan: It very well could. I think DUI would be already in there. It's in both of the States now, both of the pilot States. To put it as clearly as I can, down the road, I think that the best way to go for everyone would be to have all status changes for CDL to be incorporated, or required to be incorporated, in a system. Maybe we learn differently in the final analysis. Maybe there are some things that could be taken out. Maybe there are some things that don't need to there, but I haven't seen any of those yet. I think that the sky's the limit as far as any type of information that the carrier might want. Depending on who runs it—if it's a third party, again, the third party can choose what type of information that they would provide as a service to the carrier. If it's Federal, then it's a whole another game where you have to define it and justify it and then come to your final systems definition.

Andree

Arceneaux: *Would this program also cover any positive or refusals of DOT drug or alcohol screens? Some states require that it's reported for all CDL drivers.*

Chris Flanigan: See my last answer. It's the same thing. Like I said, if there's a system—if there's an issue that can be addressed—a CDL status change that should be identified—then it's possible that a future system could incorporate that.

Virginia Spence: *I wasn't clear on how the pilots function if a conviction occurred in a State other than the CDL holder's license State—specifically what is or was the timeline between the States?*

Chris Flanigan: I don't know what the time-lags between the states are, and I'm not sure—

Kirse Kelly: *That wasn't complete actually—it's between the states reporting and notice to the employer. For example, a driver receives a ticket and conviction in Oklahoma, and the driver holds a Minnesota license.*

Chris Flanigan: I hope that's something we can find out in the evaluation and in the actual project final report. I hope that we can do that. That's an interesting question, because the communication between States—it varies, depending on the State. How long that takes—it could be a very short period of time. I don't know the range of times that it could be, but if Minnesota, in the example you gave, if Minnesota received that record, as soon as they receive that record, it would

be timed with the actual notification of the request for the driver records from Explore on a weekly basis. Then as soon as the time came, or the week came, when Explore checked and that record was there, then it could be sent. There could be a lag of a week or so if it was put in one nanosecond after Explore had checked the last time.

Kirse Kelly: Katherine is there any calls on the phone?

Katherine: No ma'am, I have no questions from the phone.

John Pokorski: *Currently the only third party mentioned is Explore, are they the only data-sharing company or will this be open to any data-sharing company?*

Chris Flanigan: I also mentioned ChoicePoint, License Monitor and National Data Clearinghouse. Those are the four that I know of. There might be smaller companies, some smaller services that are out there. If it was a third party that ran the system, FMCSA's role would be to define what they need to do, what information they need to provide to update a CDL status. Then any company that wanted to do it would be allowed to do it. It wouldn't be focused on one. We wouldn't choose that company, I wouldn't think, unless it was apparent that there was only one that could handle it or if there was only one that provided the information that was defined or outlined in a possible Federal requirement.

John Hric: *Is there a list of States that have the notification program?*

Chris Flanigan: No, it's a map. It's in the presentation. There's a State map that has the different states that have it.

Virginia Spence: *What is the current projected compliance rate with the requirement of employers to validate drivers' licenses every year versus the proposed ENS system—i.e., what improvement is being projected?*

Chris Flanigan: I don't know the answer to that across the board. The companies that we're working with are in full compliance, as far as I know. I don't know—when you say validate the drivers' licenses, I'm assuming you mean pulling the driver's record. You know, that's a good question. As far as improvement, that would depend on a lot of things. That would depend on whether we required the system, and if it was optional, how many carriers actually participated in the system. It's a big variable there that I think that goes beyond a little bit of what we are trying to show in this project.

John Pokorski: *It was stated that California deployed ENS; when was that completed?*

Chris Flanigan: California had some form of ENS since 1982. Since 1989, they've required all commercial drivers, as I said, from the pizza delivery guy on up to the largest heavy truck operator. They require every commercial driver in the state to be part of their system.

John Pokorski: *Who approves the carrier participation in ENS? Is it Explore? Is it the State?*

Chris Flanigan: The carrier decides if they participate in the ENS pilot. We provided those names to Explore and the State. We worked with them to get information on how they saw this type of a system and what their feelings were about it. They gave us good insight from that angle. It's the carrier's ultimate decision whether they wanted to participate.

Shelly Mellott: *Has FMCSA looked at using CDLIS instead of hooking up each State?*

Chris Flanigan: A Federally administered system could possibly; it would use CDLIS, but I'm just not—I don't want to go out on a limb and say what we're considering. We're considering everything. How we would implement a national system—if we implement a national system, there's a big range of things. The thing I wanted to give a flavor for today is that while we are just now starting the analysis—it's been a couple of months into the first analysis—we have not made any decisions about where we're going to go. We only know that there are two broad paths, probably two broad paths, that we're going to go down to explore for final recommendation. Those paths are something that's run by the Government; something that's run by a market-based approach by third parties. It could be a lot of these things. I don't want to really say what it is going to be or what we think it's going to be. I think it's better to give a broad idea of where our thinking is right now and what factors will figure into what our final decision will be.

Kirse Kelly: Okay. Right now it is 2:30. We can stay on the line until all questions are asked, so you can continue. Are there any questions on the phone at this time, Katherine?

Katherine: No, ma'am.

Thomas Bray: *Under the present interpretation, if a carrier is getting a DHR for hire, maintaining proof of enrollment and notifications received, can the carrier be exempt from annual review requirements?*

Chris Flanigan: My understanding of the interpretation is yes. I still think it needs to be clarified because it's not as clear as it should be. It leads—it has led some I'll say—to believe that it is specific to enrollment in one specific third party. What I'll say is I am not going to give you my verbal interpretation right now, I'll say what I understand, but I think it needs to be clarified. That's the way I'll leave that, but let our operations division investigate the issue.

Cheryl Hosier: *Did I understand you to say that the ENS will eliminate the need to get an annual review from every driver when no changes were made?*

Chris Flanigan: That is what I would foresee with a final ENS. ENS without the requirement to get an annual check—I'm sorry, ENS with the requirement to get an annual

check sort of defeats the carrier purpose, the value to the carrier because they're still doing the same thing they always had to do. I think that it makes sense to say that down the road, if an ENS system were used it would eliminate that requirement. Again, the interpretation might take care of that. Perhaps a tweaking of the regulation might take care of that. I'm not at liberty to go into the details of that process. All I can say is that's how I envision ENS, because it really doesn't make sense without making that change.

Andree

Arceneaux: *If someone receives a DWI the carrier would not be notified of the initial violation, but only once the CDL driver goes to court for the violation?*

Chris Flanigan: Yes, that's exactly what that means. No violations were reported in the ENS system.

Jonathan Perea: *Is there a list of the convictions you could provide to us? For example, seat belt, accident or all convictions in general.*

Chris Flanigan: There is a rather extensive list and I am not sure if I am at liberty to provide that to you. If it is providable [sic], it will be in the final report.

Virginia Spence: *Are there potential privacy issues or concerns?*

Chris Flanigan: There definitely are. If it were handled by the Federal Government, if it were required, or even if it were optional handled by the Federal Government, those would have to be addressed in a very thorough manner.

Sharon Easley: *Why was seven days chosen as the deadline for the record deletions?*

Chris Flanigan: Seven days seemed reasonable because it would be enough time to get out three notices with a couple of days lag time in there. Beyond that, I am not saying seven days is the perfect number of days, but I think it's a good starting point. It will give us, down the road, an idea if it needs to be tweaked or if they need longer time. If one person is on vacation and they were the only person that could access it, perhaps that might be a problem. Seven days—we will go through in the final report what we think is the optimal amount of time. I'm sure the carriers will have some input on that, as well, in their interviews.

Alan Low: *The biggest concern we have is the potential liability when drivers do not notify us of serious violations and the court has not updated State DMV of the outcome. Will the ENS program close this loop?*

Chris Flanigan: Not as it's designed. We don't report—and again, this is just for purposes of the pilot. Down the road things can change, but for purposes of the pilot, a violation is not reported in the system. It's the conviction—and we thought that was the best way to go. Violations when they're adjudicated can change. I am not sure that ENS would be the right place to address that. Maybe it could

be, but I'm not sure. That's one of the broad areas that could be expanded to in the future, again, if it were a national Federally-administered system.

Kevin Krabill: *Will the conviction notices be assigned a point level for severity?*

Chris Flanigan: No, they will not.

Sharon Easley: *When do you think there'll be a viable product or system available for carriers to utilize?*

Chris Flanigan: As I mentioned, the two deployment scenarios I think have substantially different times that would end up being—have them end up being—nationally implemented. I wouldn't want to venture a guess on that. That's really not my, that's not my side of the building. I'm really more of a person that looks into the value and tries to assess what would be the best system. I would certainly—which system would be the fastest to implement? That's certainly an issue to be considered. I don't know that I would, really; I estimated it would be five-plus years for the Federally-administered system to be phased in. I think that's about as far as I'd want to go on that. I don't know how long—I think it would be less for a third party; I'll put it to you that way. I don't know what the final report is going to say. Again, I wouldn't want to go out on any limbs right now. That's something that will certainly be addressed in the final report, though.

Kirse Kelly: Are there any questions on the phone right now, Katherine?

Katherine: No, ma'am, there are not.

Virginia Spence: *When is the final report anticipated and where will it be located or reported so we can access it?*

Kirse Kelly: I believe he said spring 2009. If you see at the top of your screen our ART Website, it will be located there.

Kirse Kelly: It looks like there are no more questions at this time.

[1:30:24]

Kirse Kelly: We would like to ask you to fill out our evaluation. We just wanted to let you know, thank you very much for your participation in today's webinar. Let us know your comments about this webinar and suggestions for any future webinars. To insert the suggestions, you just type the comments in the space at the bottom of the pod and click on the arrow. The comments that are going to be provided will actually be visible to everyone. If you want to remain anonymous you would click on the word **Everyone** at the bottom and just send it to **FMCSA Host**.

As you can see, you can also download a .PDF version of the presentation. Simply highlight the document in download presentation pod and then click **Save to My Computer**.

As a reminder, members of the trade or local media participating in today's call, contact our Office of Communications with any questions. The phone number is 202-366-9999.

Once again, thank you very much for participating. While our webinars for October are not yet confirmed, we do have a few in planning stages, so please continue to check FMCSA ART Website to register for future webinars. Registration is usually open a couple of weeks—two weeks before the webinar. Also, if you are not yet on our mailing list, you can send a request to my address. That is Kirse.Kelly@dot.gov. Anything else Chris?

Chris Flanigan: No. Thanks everyone for participating. You saw my information. If you have anything you'd like to discuss, please feel free to give me a call.

Kirse Kelly: And thank you very much Katherine for your help.

[1:32:27]